



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Violet Varona-Lukens, Executive Officer
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

County Counsel
Director of Planning

At its meeting held March 25, 2003, the Board took the following action:

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At the time and place regularly set, notice having been duly given, the following item was called up:

Hearing on General-Plan and Sub-Plan Amendment, Zone Change and Conditional Use Permit Case Nos. 94-087-(5), and on certification of Final Environmental Impact Report relating to the project known as Newhall Ranch Specific Plan and Water Reclamation Plant and the Final Additional Analysis of specific Environmental Issues on property located between the Magic Mountain Theme Park on the east and the Los Angeles/Ventura County boundary line on the west where SR-126 and the Santa Clara River transect the Specific Plan site from east to west, Newhall Zoned District, applied for by Newhall Ranch Company. [This hearing is being conducted pursuant to a writ of mandate and judgment issued by the California Superior Court that ordered the County to partially set aside certain Newhall Ranch Specific Plan and Water Reclamation Plant project approvals.]

Lee Stark and Daryl Koutnik, representing the Department of Regional Planning and Dean Efstathiou, representing the Department of Public Works, were duly sworn and testified. Opportunity was given for interested persons to address the Board. Steve Zimmer, Rusty Hammer, Dan Billy, Kathy Long, Supervisor Ventura County, Third Supervisorial District, John Flynn, Supervisor Ventura County, Fifth Supervisorial District, Tom Barron and other interested persons as indicated on the attached speaker list addressed the Board; others on the speaker list waived their speaking time in consideration of their names being made part of the permanent record. Written correspondence was presented.

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Supervisor Antonovich made the following statement:

“Today’s proceeding does not involve the issuance of any building permits - except for a water reclamation plant. Before us today is the consideration of a specific plan. Issuance of all residential, commercial and industrial construction will not occur until further zoning applications and appropriate environmental documents are filed and considered by the County through the public hearing process.

“As the members of this Board will recall, the Newhall Ranch Specific Plan was first approved by the Board in 1999 after we required the applicant to make a number of significant revisions to his design.

“Those changes required a reduction in the amount of grading and the overall number of units.

“Other changes included enhancements of the community benefits package. This included a requirement for the accelerated dedication of the 6.2 square mile “high country” open space area, and construction of a related “high country” trail.

“The “high country” open space area will be managed by a joint powers authority consisting of the County, the City of Santa Clarita and the Santa Monica Mountains Conservancy and when completed will be just about as large as Griffith Park. The trail is to be completed within 24 months of the approval of the Specific Plan. These are each items of significant importance to the residents and community leaders in the Santa Clarita Valley. Another important mitigation was the requirement that the applicant reach mitigation agreements with the local school districts, which was done.

“The Board also imposed a series of conditions requiring the reservation of a half-mile buffer between the developed areas of the Ranch and Ventura County, and an aggressive affordable housing component as part of the development.

“As a result of the Board’s action in 1999, the final design included 51% of the site as permanent open space, along with 12 parks, 3 fire stations, a library and 5 school sites within the development.

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“Subsequent to the Board’s approval, four lawsuits were filed by project opponents. These were consolidated and heard by a Kern County Court. The judge, at the conclusion of the trial, upheld the Board’s approval of the Specific Plan and the Final EIR for the project except with respect to six discrete issues. As a result, the judge instructed the County to partially void its certification of the Final EIR and its approval of the Newhall Ranch entitlements and to conduct additional analyses on 6 separate issues including traffic impacts in Ventura County, impacts of additional wildlife migration within the Salt Creek corridor, impacts on biological resources in the Santa Clara River, an alternative off-river location for proposed water reclamation plant, and the availability of adequate water supplies.

“This was done, and following additional hearings, the Regional Planning Commission unanimously recommended that we approve the revisions to the Final EIR and approve the Specific Plan with some suggested additional conditions and mitigation measures.

“Subsequent to the Planning Commission’s action, additional populations of the San Fernando Spineflower - once thought extinct - were found on portions of the property. Consequently, it was determined that an additional analysis of the development’s impact on the Spineflower was required. The applicant also decided to further revise its water supply plan to eliminate reliance on some State Water Project water -- the availability of which had been at least temporarily called into question.

“These additional analyses were completed and the Department of Regional Planning found that they were factual and complete as required by the California Environmental Quality Act, before they were circulated for public review and comment.

“This analysis resulted in additional significant revisions to the project’s mitigation programs. The applicant will no longer rely upon State Water Project water. As the site is converted from agricultural use to urban uses, the water used for agricultural uses will be used to satisfy the initial stages of development. Once these supplies are fully committed, supplies obtained from the Nickel Family Limited Liability Corporation in Kern County will be drawn upon to fill the remaining needs. The Nickel water supplies amount to approximately 1,607 acre-feet of water each year and are not subject to fluctuations that can occur in dry years, according to staff. The Nickel water will also be available for storage prior to actual need in ground water storage facilities identified in the environmental analysis.

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“The applicant has also taken several other steps to enhance the local water supplies, including obtaining an additional 7,648 acre-feet of Water Project supplies from landowners served through the Kern County Water Agency, and another 4,950 acre-feet of supplies from the Semitropic Water Storage District for use in dry years. I am advised that the issues raised by the United Water Conservation District were settled and that the District no longer opposes approval of the Specific Plan.

“With respect to the Spineflower issues, the applicant has been required to dedicate a 64-acre Spineflower preserve - an area equal to 10 times the amount of land actually inhabited by the plant. Moreover, as specific development applications are submitted for individual units of the project, additional surveys and mitigation programs will be developed in conjunction with the State Department of Fish & Game to ensure the plant's protection.

“Staff has also recommended, and I support, a series of other mitigations designed to address Spineflower issues, including further Spineflower preserves as well as a number of other measures discussed in the environmental documents.

“However, I am recommending additional revisions to the Specific Plan and mitigations, including further reductions to the permitted number of residential units and the amount of commercial and office space, since some of the areas previously slated for development are now within the 64 acres of Spineflower preserves agreed to by the applicant and the State. These areas should not be counted as developable areas. Staff has advised my office that, based upon the current land use plan, the 64 acres equate to approximately 730 housing units and 132,000 square feet of commercial and office space. Whereas staff has determined that the 1999 approval could have yielded as many as 21,615 units, that number should now be revised to limit build out to a maximum of 20,885 residential units, and less if mandated by subsequent environmental documents, along with a corresponding reduction in commercial and office space from 3,508,000 sq ft down to 3,376,000 sq ft.

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“Another of the needed revisions has to do with the nature of the applicant’s water agreement with the Nickel Family Limited Liability Corporation - which was characterized by staff as a 35-year agreement that is renewable for an additional 35 years. The decision as to whether the agreement should be extended or cancelled should be subject to the concurrence of the Castaic Lake Water Agency, and to findings that equivalent other supplies are available at a comparable cost and that it would not impact the water supplies of Newhall Ranch and the rest of the Valley if the agreement were not extended.

“Issues have arisen with other projects in other areas of the County concerning the County’s ability to ensure the timely provision of required amenities. The Specific Plan and mitigation monitoring programs should be revised to require the applicant - as holder of the Specific Plan - to provide the Department with an annual status report throughout the construction phases indicating the numbers of units constructed, the square footages of all commercial and industrial buildings completed, and the dates of dedication or completion for all required infrastructure and community amenities.

“Finally, the Specific Plan should be revised to ensure that if general County setback standards in place at the time that building permits are obtained for the project phases are more stringent than the standards otherwise contained in the Specific Plan, then the more stringent standards will apply as determined by staff.

“It is important to remember that, with the exception of the Water Reclamation Plant, no construction level approvals are before the Board today. Rather, an approval of a Specific Plan provides a development concept approval, with requirements that additional development applications, with the attendant environmental analyses and public hearings, be submitted for approval by the County before any lots can be sold or building permits can be issued.

“Also, it should again be mentioned that the Specific Plan provides that 51% of the site will be preserved, and that there are to be 12 parks, 3 fire stations, a library, and 5 school sites within this development. It is these features that led to the support of both the Stevenson Ranch and Castaic Town Councils that represent the two closest communities to this development.

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Syn. 36 (Continued)

“This application was first submitted in 1994. Since that date, there have been several environmental analyses and public hearings held on these proposals. Staff believes that all of the issues have been raised and fully addressed, and that a recommendation by this Board would be appropriate. Any reapproval of this project should include the measures I have included in my motion today.”

Therefore, Supervisor Antonovich made a motion that the Board close the public hearing; and instruct staff to prepare the proposed final environmental documentation, resolutions, ordinance and findings and conditions for approval including the above noted additional revisions; and continue the matter to Tuesday, May 27, 2003 at 1:00 p.m. for consideration and possible action.

After discussion, Supervisor Yaroslavsky made an amendment to Supervisor Antonovich's motion to instruct the Department of Regional Planning staff biologist to provide to the Board prior to the May 27, 2003 meeting additional recommendations with respect to protection of the Spineflower deemed appropriate. Supervisor Antonovich accepted Supervisor's Yaroslavsky suggested amendment.

Supervisor Yaroslavsky made the following statement:

“The trial court required that Los Angeles County conduct further analysis evaluating the impacts of the Newhall Ranch Specific Plan to the Salt Creek Wildlife Corridor in Ventura County. Our analysis concludes that build out of the Specific Plan would significantly and unavoidably impact wildlife movement on the Specific Plan site. A portion of the Salt Creek movement corridor occurs within the Specific Plan Area, with the remaining portion of the corridor occurring in Ventura County. The Draft EIR states, “Any future project proposed in Ventura County that would fragment this corridor would significantly impact the connection of the High Country SMA and Santa Susana Mountains with the Santa Clara River and the Los Padres and Angeles National Forests. Therefore, any future action taken in this portion of Ventura County should strongly consider this important ecological feature”.

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“Furthermore, our additional analysis concludes that habitat loss in the Potrero Creek Watershed resulting from the Specific Plan development will cause wildlife populations to shift to undisturbed habitats in the Salt Creek Watershed. These habitat losses will also affect long-term wildlife movement within the Salt Creek watershed in both Ventura County and Los Angeles County. Despite these impacts, the project as proposed does not protect the Ventura County portion of the Salt Creek Watershed, including the critical wildlife corridor, encompassing some 1500 acres. Action must be taken now to mitigate the project’s impacts to the Salt Creek Watershed and ensure that future development will not degrade this biologically important area.”

Therefore, Supervisor Yaroslavsky made an amendment to Supervisor Antonovich’s motion, that upon approval of tentative tract map(s) adjacent to Ventura County, that the applicant to be directed to dedicate to the public in perpetuity the approximately 1,500 acres of land encompassing the Salt Creek Watershed in Ventura County, with this property to be managed in conjunction with the High Country Special Management Area. Supervisor Antonovich accepted Supervisor’s Yaroslavsky amendment.

Supervisor Yaroslavsky made the following statement:

“The San Fernando Valley Spineflower was found in three locations on the Specific Plan site: Grapevine Mesa, Airport Mesa, and San Martinez Canyon. The applicant’s settlement with the County District Attorney and California Department of Fish and Game designates Spineflower preserves in only two of the three locations. There is no reason at this time to not set aside an additional preserve to protect the Spineflower location at San Martinez Canyon.

“Additionally, the mitigation measures designed to protect the Spineflower allow roads to be constructed within the preserves and buffer areas. The County’s Significant Ecological Area Technical Advisory Committee (SEATAC) has recommended that roads be removed from these areas to ensure their biological integrity.”

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Therefore, Supervisor Yaroslavsky made an amendment to Supervisor Antonovich's motion that upon approval of tentative tract map(s) impacting San Martinez, that the applicant work with the Department of Regional Planning staff and SEATAC to establish an appropriately sized preserve area to protect the Spineflower population at San Martinez Canyon; and that the project mitigation measures be amended to preclude roadways or road rights-of-way from being constructed in all Spineflower preserve and buffer locations, unless constructing the road in such location is found to be the environmentally superior alternative. Supervisor Antonovich accepted Supervisor's Yaroslavsky amendment.

Supervisor Yaroslavsky made the following statement:

"Over the past few years, the applicant failed to fully disclose to the County information pertaining to the discovery of the San Fernando Valley Spineflower on the project site. This failure has diminished the public's trust in the integrity of the County planning process in regards to this project. Because extensive additional environmental analysis will be conducted in conjunction with individual tract map applications within the Specific Plan, additional measures are required to restore the public trust and ensure that all information about the site has been disclosed."

Therefore, Supervisor Yaroslavsky made an amendment to Supervisor Antonovich's motion, that each consultant submitting, or participating in a study or investigation leading to the submittal of additional environmental documentation in connection with the Newhall Ranch project shall submit a disclosure statement, under penalty of perjury, to the Director of Planning indicating that they have disclosed to County staff all relevant environmental information and data obtained during their work, including, but not limited to all information regarding the presence of any endangered, threatened or candidate species.

Further, that the applicant be directed to provide sufficient funding on an annual basis to allow the Department of Regional Planning to retain or compensate its own consultants to conduct a peer review, as determined necessary by the Department of Regional Planning of all additional environmental documentation submitted for further environmental review by any consultant or sub-consultant of the applicant. Supervisor Antonovich accepted Supervisor's Yaroslavsky amendment.

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Syn. 36 (Continued)

On motion of Supervisor Antonovich, duly carried by the following votes: Ayes: Supervisors Molina, Knabe, Antonovich and Burke; Noes: None, Abstentions: Supervisor Yaroslavsky, the Board closed the hearing and approved the motion as introduced by Supervisor Antonovich with the amendments proposed by Supervisor Yaroslavsky.

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Attachment

Copies distributed:

- Each Supervisor
- Director of Internal Services
- Director of Public Works
- Newhall Ranch Company
- Steve Zimmer
- Rusty Hammer
- Dan Billy
- Kathy Long, Supervisor Ventura County
Third Supervisorial District
- John Flynn, Supervisor Ventura County
Fifth Supervisorial District
- Tom Barron

Speaker List for Meeting of 3/28/2003

Number of Speakers	Speaker Name, Title	Agenda No.	Speaker #
1.	Steve Zimmer, Newhall Land and Farming (Applicant)	11	1
2.	Rusty Hammer	11	2
3.	Dan Billy, Operating Engineers, Local 12	11	3
4.	Lee Harrington, Los Angeles County Economic Development Corporation	11	4
5.	Mark Thoreson	11	5
6.	David Bossert, Stevenson Ranch Town Council	11	6
7.	Philip Mazzeo	11	7
8.	Skip Henke, Los Angeles County Building Trades Council	11	8
9.	Larry Mankin	11	9
10.	Kathy Long, Supervisor Ventura County	11	10
11.	John K. Flynn, Supervisor, Ventura County	11	11
12.	Tom Barron	11	12
13.	Clarence Freeman	11	13
14.	Lynne Plambeck	11	14
15.	Dora P. Crouch	11	15
16.	Phil Hof, Santa Clarita Organization for Planning the Environment (SCOPE)	11	16
17.	Kris Ohlenkamp, S. F. V. Audubon Society	11	17
18.	Janet Bergamo, Piru Neighborhood Council	11	18
19.	Maria Gutzeit, Los Angeles County Bike Coalition	11	19
20.	Linda Love, Forest Preservation Society of Southern California	11	20
21.	Larry Kanner	11	21
22.	Joanne Leavitt	11	22
23.	Marilyn Stout	11	23
24.	John Quigley, Save Old Glory Coalition	11	24
25.	John Steffen	11	25
26.	Sally Waymer	11	26

59.	Erin del Villar	11	
60.	Geoff Robinson	11	
61.	Gunjit S. Sikand	11	
62.	Hill Harper	11	
63.	Jason H. Fukumitsu	11	
64.	Javier Nunez	11	
65.	John Burgeson	11	
66.	John V. Burgeson, II, Newhall Land and Farming	11	
67.	Julie McNatt	11	
68.	Ken Greco	11	
69.	Mario Salazar	11	
70.	Mike Jensen	11	
71.	Paul Gaff	11	
72.	Paul V. Ash	11	
73.	Regis Malone	11	
74.	Richard Villasenor	11	
75.	Rodney Hupalo	11	
76.	Ron Bottorff	11	
77.	Ross Pistone	11	
78.	Sally Hampton	11	
79.	Seterino Reyes	11	
80.	Stephen C. Schmidt	11	
81.	Steve McElroy	11	
82.	Steve Penn	11	
83.	Sydell Stokes	11	
84.	Tadd Russikoff	11	
85.	Victor Valle	11	
86.	Wendy Heffernan	11	
87.	Will J. Staats	11	

27.	John Buse	11	27
28.	Dave Altenburg	11	28
29.	Melody Reid	11	29
30.	Teresa Sayaikie	11	30
31.	Marja Hoerner	11	31
32.	Barbara Wampole	11	32
33.	Gabrielle Benton	11	33
34.	Ileene Anderson, California Nature Plant Society	11	34
35.	Dr. Brent Hoerner	11	35
36.	Lisa Fimiani	11	36
37.	Hunter Allen	11	37
38.	Melanie Winter	11	38
39.	Marcia Hanscom	11	39
40.	Robert Van Dehoer	11	40
41.	Chad Griffin	11	41
42.	Glenda Roybal-Yakel	11	42
43.	Johanna Zetterberg	11	43
44.	Shelley Luce	11	44
45.	Joseph Edmiston	11	45
46.	Allan E. Seward	11	
47.	Brad Fowles	11	
48.	Brad Watson	11	
49.	Bret L. Richardson	11	
50.	Brian W. Thorne	11	
51.	Chris Lee	11	
52.	Chris Mace	11	
53.	Chuck Heffernan	11	
54.	Craig Whitteker	11	
55.	Danielle Nicolosi	11	
56.	Depalm Frederick	11	
57.	Desmond Bunting	11	
58.	Eric Seward	11	